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By: **Senator Jacobs**  
Introduced and read first time: January 30, 2003  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Handgun Permit Review Board - Review of Additional Evidence**

3 FOR the purpose of requiring the Handgun Review Board to receive and consider  
4 additional evidence submitted by a party in conducting a review of a certain  
5 decision by the Secretary of State Police relating to the issuance or renewal of a  
6 handgun permit; and generally relating to handgun permits and the Handgun  
7 Permit Review Board.

8 BY repealing and reenacting, with amendments,  
9 Article - Public Safety  
10 Section 5-312  
11 Annotated Code of Maryland  
12 (As enacted by Chapter \_\_\_ (S.B. 1) of the Acts of the General Assembly of 2003)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Public Safety**

16 5-312.

17 (a) (1) A person who is denied a permit or renewal of a permit or whose  
18 permit is revoked or limited may request the Board to review the decision of the  
19 Secretary by filing a written request with the Board within 10 days after receipt of  
20 written notice of the Secretary's final action.

21 (2) A person whose application for a permit or renewal of a permit is not  
22 acted on by the Secretary within 90 days after submitting the application to the  
23 Secretary may request a hearing before the Board by filing a written request with the  
24 Board.

25 (b) Within 90 days after receiving a request to review a decision of the  
26 Secretary, the Board shall:

27 (1) review the record developed by the Secretary; or

1           (2)       conduct a hearing.

2       (c)       The Board [may] SHALL receive and consider additional evidence  
3 submitted by a party in conducting a review of the decision of the Secretary.

4       (d)       (1)       Based on the Board's consideration of the record and any additional  
5 evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

6           (2)       If the action by the Board results in the denial of a permit or renewal  
7 of a permit or the revocation or limitation of a permit, the Board shall submit in  
8 writing to the applicant or the holder of the permit the reasons for the action taken by  
9 the Board.

10       (e)       (1)       Any hearing and any subsequent proceedings of judicial review shall  
11 be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

12           (2)       Notwithstanding paragraph (1) of this subsection, a court may not  
13 order the issuance or renewal of a permit or alter a limitation on a permit pending a  
14 final determination of the proceeding.

15       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2003.